

STATE OF VERMONT
PUBLIC SERVICE BOARD

Order implementing registration procedure for)
net-metered photovoltaic generation systems up)
to five kilowatts in capacity, pursuant to)
30 V.S.A. § 219a(c)(1))

Order entered: 9/30/2011

INTRODUCTION

The procedures governing Public Service Board ("Board") approval of net-metered generation systems are set forth in 30 V.S.A. § 219a and Board Rule 5.100. During the 2011 legislative session, the General Assembly enacted into law Act No. 47 (H.56) amending the procedures set forth in 30 V.S.A. § 219a.

The new statutory provisions include, among other things, a registration process for net-metered photovoltaic systems with capacities of 5 kilowatts (kW) or less. Under the new statutory provisions, a complete application form need only be served on the serving utility, and need not be served upon other entities, including municipalities or adjoining landowners. Further, the only comments that the utility may submit are those related to interconnection issues associated with the proposed project. Section 219a(c)(1) requires that the Board establish by rule or order, standards and procedures that:

with respect to a solar net metering system of 5 kW or less, shall provide that the system may be installed ten days after the customer's submission to the board and the interconnecting electric company of a completed registration form and certification of compliance with the applicable interconnection requirements. Within that ten-day period, the interconnecting utility electric company may deliver to the customer and the board a letter detailing any issues concerning the interconnection of the system.

In order to implement this subsection of the amended statute, on August 26, 2011, the Board circulated a draft registration procedure and registration form for these smaller systems.

The Board received comments and requests for clarification regarding the draft procedure and form from Vermont Electric Cooperative, Inc. ("VEC"), Renewable Energy Vermont ("REV"), Central Vermont Public Service Corporation ("CVPS"), Green Mountain Power Corporation ("GMP"), Vermont Public Power Supply Authority ("VPPSA"), and the Department of Public Service ("Department"). The comments are addressed below under the applicable sections.

DISCUSSION AND CONCLUSIONS

Section IV - Completed Registration Forms

The Registration Procedure states, at Section IV, that if "the Registration Form is incomplete, the Clerk of the Board will inform the applicant of the deficiencies, and the applicant will be required to resubmit a complete Registration Form."

REV requests that this section be amended to require the Board to notify applicants whether a Registration Form is incomplete within ten days of receipt by the Board.

As a practical matter, if the Board does not notify an applicant of any deficiencies in an application within ten days of receipt of the application and no other comments are filed within the ten-day period, the application is deemed approved and no further Board action is necessary. Therefore, it would be redundant to include this additional deadline as the Board is already required to notify applicants within the ten-day period. Accordingly, we decline to add this requirement.

Section V- Submission of Comments

The Registration Procedure states, at Section V, that if "the interconnecting electric utility believes that the interconnection of a system raises concerns regarding the safety and reliability of the utility's electric grid, the utility must file a letter detailing those concerns with the customer and the Board within ten days of receiving a complete Registration Form." The Registration Procedure also states that "computation of the number of days following filing of a Registration Form does not include weekends, state legal holidays under 1 V.S.A. § 371(a), and federal legal holidays under 5 U.S.C. § 6103(a)."

GMP and CVPS request clarification as to when the utility is required to file any concerns regarding an application. GMP also requests that the Registration Procedure allow for submission of comments other than those strictly related to safety and reliability, such as incomplete applications and power quality issues. In addition, GMP requests that a copy of the CPG issued by the Board in these cases be mailed to the utilities. REV requests that, in addition to notifying the customer of any concerns regarding a system, the utility should be required to notify the system installer as well.

We clarify that the utility's comments on an application are due within ten business days from receipt of an application by the utility, as stated in Section V. We agree with GMP that the language in this Section should be broadened to allow for comments in addition to those related to safety and reliability and have revised the Registration Procedure accordingly. With respect to the CPG, the Board notes that pursuant to Section V the "CPG shall be deemed issued . . . without further proceedings, findings of fact, or conclusions of law," and, accordingly, a CPG will not be issued in these cases. We agree with REV that the installer should be notified of concerns raised by the utility and have revised the Registration Procedure accordingly.

Registration Form

CVPS requests that the registration form be amended to include: a check box to indicate participation in CVPS's solar incentive; an additional line for the name of the property owner; and a check box to indicate whether the customer is group net metering.

Because the registration form is for all utility customers, not just CVPS customers, adding a check box exclusive to CVPS's solar incentive program would likely cause confusion for all non-CVPS customers and, accordingly, we decline to do so. CVPS has not shown why the name of the property owner is necessary, given that CVPS's relationship is with the customer holding the account and we decline to add this information requirement. Finally, customers that are seeking to form net metering groups are required to file the information required on page 2 of the registration form, obviating the need for an additional check box in this regard.

VPPSA requests that applicants be required to notify the utility prior to installing a system in cases where an additional meter is to be installed, in order to address meter location issues. VPPSA also requests that these smaller systems should be subject to the insurance requirement for larger systems contained in the existing net metering application.

We agree with VPPSA that it would be in the best interest of applicants that would like a second meter installed to discuss location of the meter prior to installing a system, and most will likely do so. However, pursuant to § 219a(c)(1) the statute clearly allows applicants to install the system, unless the utility raises concerns regarding interconnection of the system, after ten days without further process. Therefore, the addition of a requirement that applicants delay system installation until meter locations can be agreed upon with the utility, would be inconsistent with the statutory requirement, and we decline to do so. Similarly, because the statute does not include an insurance requirement for these smaller systems, there is no basis for this additional requirement, and we decline to add this requirement.

VEC requests that page 2 of the Registration Form be amended to reflect the recent statutory revisions to the group net metering application process. We agree that the Registration Form should reflect the recent statutory revisions and have amended the Form accordingly.

The Department suggests that the reference to Appendix A of Board Rule 5.100 on page 2 of the registration form should be further clarified. The Department and VPPSA also request that the Registration Form should specifically state that copies of the Form should be mailed to the Department and the Board to avoid potential confusion by applicants.

We conclude that the edits suggested by the Department will further enhance the Registration Form and have amended the Form accordingly.

REV requests that the registration process be available electronically through an online form and signature process.

We agree that the registration process should be available as an online process. The Board is currently in the process of acquiring an electronic filing and case management system that will allow for faster application processing for all applications, including net metering applications and registration forms, in the future.

In light of the above considerations, we hereby adopt the revised Registration Procedure and Form that are attached to this Order. The Board will incorporate these procedures into the existing net metering rule at the time the Board revises the rule to incorporate the remaining statutory revisions.

SO ORDERED.

Dated at Montpelier, Vermont, this 30th day of September, 2011.

<u>s/ James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/ David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/ John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: September 30, 2011

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)